



## DECLARATION - USA PATENT APPLICATION

I, a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled APPARATUS AND METHODS FOR TREATMENT OF MORBID OBESITY; the specification of which was filed on **October 31, 2003** as Application Serial No. **10/699,589**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60,422,987

Filing Date: 11/1/02

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Jonathan Kagan**

Inventor's signature

Date

Residence: **Hopkins, MN**

Citizenship: **United States**

Post Office Address: **200 Homedale Road, MN 55343**

Full name of second inventor: **James Balliro**

Inventor's signature

---

Date March 29 '2004

Residence: **Jackson, WY**

Citizenship: **United States**

Post Office Address: **555 East Broadway, Suite 212, Jackson WY 83001**

Full name of third inventor: **Mitchell Dann**

Inventor's signature 

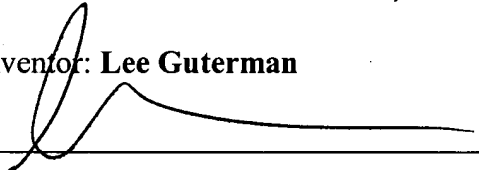
Date MARCH 30, 2004

Residence: **Wilson, WY**

Citizenship: **United States**

Post Office Address: **4020 West Lake Creek Drive, Wilson, WY 83014**

Full name of fourth inventor: **Lee Guterman**

Inventor's signature 

Date 4/2/04

Residence: **Amherst, NY**

Citizenship: **United States**

Post Office Address: **660 LeBrun Road, Amherst, NY 14226**

---

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

VALTX.002A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jonathan Kagan et al. )  
App. No. : 10/699,589 )  
Filed : October 31, 2003 )  
For : APPARATUS AND METHODS FOR )  
TREATMENT OF MORBID )  
OBESITY )  
Examiner : Unknown )

---

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer**

**App. No.** : 10/699,589  
**Filed** : October 31, 2003

**No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

ValenTx Inc.

Dated: \_\_\_\_\_

3/24/04

By: \_\_\_\_\_

Jonathan Kagan

Title: President

Address: 200 Homedale Road  
Hopkins, MN 55343

H:\DOCS\GVH\GVH-5879.DOC  
031804

COPY

Application No.: 10/699,589  
Filing Date: October 31, 2003

PATENT  
Client Code: VALTX.002A  
Page 1

ASSIGNMENT

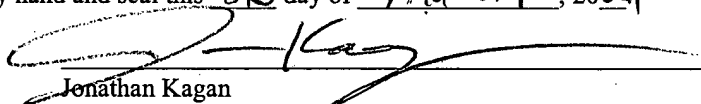
WHEREAS, We, Jonathan Kagan, a United States citizen, residing in Hopkins, MN; James Balliro, a United States citizen, residing in Jackson, WY; Mitchell Dann, a United States citizen, residing in Wilson, WY; Lee Guterman, a United States citizen, residing in Amherst, NY; have invented certain new and useful improvements in a APPARATUS AND METHODS FOR TREATMENT OF MORBID OBESITY for which we have executed an application for Letters Patent in the United States, Application No. 10/699,589 filed on October 31, 2003;

AND WHEREAS, ValenTx, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 200 Homedale Road, Hopkins, MN 55343, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25 day of March, 2004

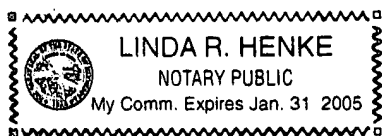
  
Jonathan Kagan

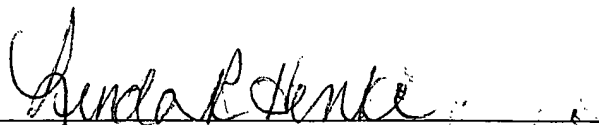
STATE OF Minnesota  
COUNTY OF Hennepin } ss.

On 3-25-2004, before me, Jonathan Kagan, personally appeared Jonathan Kagan personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

Application No.: 10/699,589  
Filing Date: October 31, 2003

PATENT  
Client Code: VALTX.002A  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 29<sup>th</sup> day of March, 2004

James Balliro  
James Balliro

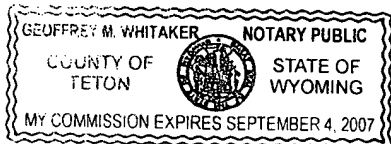
STATE OF Wyoming  
COUNTY OF Teton

ss.

On 3/29/04, before me, Geoffrey M. Whitaker, personally appeared James Balliro personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Geoffrey M. Whitaker  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 30 day of March, 2004

Mitchell Dann  
Mitchell Dann

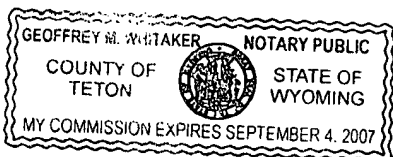
STATE OF Wyoming  
COUNTY OF Teton

ss.

On 3/29/04, before me, Geoffrey M. Whitaker, personally appeared Mitchell Dann personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Geoffrey M. Whitaker  
Notary Signature

Application No.: 10/699,589  
Filing Date: October 31, 2003

PATENT  
Client Code: VALTX.002A  
Page 3

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 2<sup>nd</sup> day of April, 2004.

  
\_\_\_\_\_  
Lee Guterman

STATE OF New York }  
COUNTY OF Erie } ss.

On April 2, 2004, before me, Debra J. Zimmer, personally appeared Lee Guterman personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

  
\_\_\_\_\_  
Notary Signature

DEBRA J. ZIMMER  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Jan. 31, 2006